

Attorney Docket No.: 05058/76501



DAC

#6

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AUG 03 1999

SPECIAL PROGRAMS OFFICE  
DAC FOR PATENTS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re

U.S. Application of: Masami TOYAMA, Motomi TAKEMOTO, Akinori  
YOSHIDA, Hiroaki IKEDA, Tomokazu KATO,  
and Junko NATSUME

For: AN IMAGE FORMING APPARATUS HAVING A  
DISPLAY CHANGEABLE IN COLOR ACCORDING  
TO OPERATIONAL MODE

U.S. Serial No.: 09/160,267

Filed: September 24, 1998

Group Art Unit: Initial Patent Examination Division

Attention: Office of Petitions  
Assistant Commissioner  
for Patents

BOX: DAC

Washington, DC 20231

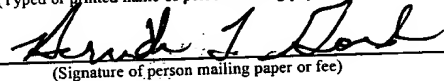
"Express Mail" mailing label number: EL072253485US

Date of Deposit: July 30, 1999

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

Derrick T. Gordon

(Typed or printed name of person mailing paper or fee)



(Signature of person mailing paper or fee)

July 30, 1999

Date of Signature

PETITION UNDER 37 C.F.R. § 1.181  
TO WITHDRAW HOLDING OF ABANDONMENT,

OR IN THE ALTERNATIVE,

PETITION UNDER 37 C.F.R. § 1.137(a)  
FOR REVIVAL OF UNAVOIDABLY ABANDONED  
APPLICATION FOR PATENT

BEST AVAILABLE COPY

Application Serial No. 09/160,267

A Notice of Abandonment Under 37 CFR 1.53(f) or (g) (Filing Date Granted) was mailed on July 15, 1999, indicating that the above-identified patent application is abandoned for failure to timely reply to the Notice to File Missing Parts, dated October 16, 1998, as no reply was received.

However, the Notice to File Missing Parts, dated October 16, 1998, was never delivered at any address to applicants' attorneys of record. Accordingly, by this Petition, applicants respectfully request the United States Patent and Trademark Office (i) to withdraw the holding of abandonment in this patent application, or in the alternative (ii) to revive this patent application as having been unavoidably abandoned.

**A. Petition Under 37 C.F.R. § 1.181 to Withdraw Holding of Abandonment**

Applicants filed the above-identified United States patent application on September 24, 1998, with a check for the filing fee and with an unexecuted Declaration.

The Form PTO-1533, which is the normal response by the United States Patent and Trademark Office to the filing of a patent application with an unexecuted Declaration, indicates that a copy of the Notice must be returned with the executed Declaration of the inventors. Accordingly, applicants waited for the receipt of a Form PTO-1533 for the above-identified patent application. However, as a Form PTO-1533 had not been received by applicants' attorneys as of May 28, 1999, a document entitled "COMPLETION OF APPLICATION", with the executed Declaration of the inventors being attached thereto, was mailed on May 28, 1999, by Express Mail Post Office to Addressee Service to the Assistant

Application Serial No. 09/160,267

Commissioner for Patents, Box Missing Parts, Washington, DC 20231.

Applicants received a Notice of Abandonment Under 37 CFR 1.53(f) or (g) (Filing Date Granted), dated July 15, 1999, indicating that applicants failed to respond to a United States Patent and Trademark Office communication dated October 16, 1998, and entitled "Notice to File Missing Parts" (hereinafter the "NOTICE TO FILE").

A copy of the NOTICE TO FILE, obtained by applicants' attorneys subsequent to July 15, 1999, indicates that the NOTICE TO FILE is a Form PTO-1533 which provides a response period of two months from the date of the NOTICE TO FILE, which period can be extended under 37 CFR 1.136(a). Thus, if the NOTICE TO FILE had been delivered, the response period would appear to be December 16, 1998, extendible to April 16, 1999.

Applicants hereby respectfully petition that the holding of abandonment for the above-identified patent application be withdrawn, based on a failure of the United States Patent and Trademark Office to deliver the NOTICE TO FILE to applicants' attorneys.

In accordance with the requirements of MPEP 711.03(c) to establish non-receipt of a United States Patent and Trademark Office communication, the undersigned attorney for applicants hereby attests:

1. Neither I nor Sidley & Austin, as addressee, received the original or any copy of the NOTICE TO FILE prior to July 15, 1999; and

2. I have carefully searched the Sidley & Austin file and docket records for the above-identified patent application and

Application Serial No. 09/160,267

have determined that the NOTICE TO FILE was not in or a part of such file/records prior to July 15, 1999.

3. Attached hereto is a copy of the relevant Sidley & Austin docketing records (**Exhibit A**) for the above-identified patent application, which expressly reflects a chronological listing illustrating where the NOTICE TO FILE would have been entered had it been received by Sidley & Austin.

In view of the above showing, applicants request the grant of this Petition to withdraw the current holding of abandonment. Applicants are not aware of any fee required for this Petition; however, in the event that a fee is required, please charge any necessary fee (other than issue fee) to Deposit Account No. 18-1260.

**B. Petition Under 37 C.F.R. § 1.137(a) for Revival of Application Unavoidably Abandoned**

Only in the event that the Commissioner should determine that applicants' Petition to Withdraw the Holding of Abandonment is denied, applicants hereby alternatively petition for revival of this matter pursuant to the requirements of 37 C.F.R. § 1.137(a). However, if the Commissioner grants applicants' Petition to Withdraw the Holding of Abandonment, applicants request that the following Petition not be considered, and that any petition fee authorized herein for the following Petition not be charged.

In furtherance of the requirements for this Petition Under 37 C.F.R. § 1.137(a):

Application Serial No. 09/160,267

1. Please charge the requisite petition fee (\$110.00), as specified in 37 C.F.R. § 1.17(l), to Deposit Account No. 18-1260.

2. A proper response to the NOTICE TO FILE, in the form of a document entitled "COMPLETION OF APPLICATION", an executed Declaration by the inventors, and a check in the amount of \$130 for the 37 C.F.R. 1.16(e) surcharge for the late filing of the executed Declaration, was submitted to the United States Patent and Trademark Office by Express Mail Post Office to Addressee on May 28, 1999, and copies thereof are attached hereto as **Exhibit B**. A copy of the postcard receipt is attached hereto as **Exhibit C**.

3. This Petition is being filed within two months of the mailing date of the Notice of Abandonment, and thus is timely.

4. The entire delay involved in responding to the NOTICE TO FILE was unintentional.

5. In regard to providing an adequate showing of unavoidable delay, please consider:

I, along with several other registered patent attorneys with the firm of Sidley & Austin, represent the applicants in the above-identified United States patent application. On July 22, 1999, Sidley & Austin received a Notice of Abandonment for the above-identified United States Patent application. Upon the Notice of Abandonment being forwarded to me, I promptly requested Montrose Intellectual Property Services, Inc. to review the United States Patent and Trademark file for this patent application. On July 28, 1999, Montrose provided Sidley & Austin with a copy of the NOTICE TO FILE.

Application Serial No. 09/160,267

Submitted herewith is a declaration by Ms. Lorie Bigley, a legal assistant of Sidley & Austin, describing the events detailed above regarding the receipt of the copy of the NOTICE TO FILE (**Exhibit D**).

Prior to receiving the copy of the NOTICE TO FILE on July 28, 1999, Sidley & Austin had not received any version of the NOTICE TO FILE. The Dallas office of Sidley & Austin maintains a strict procedure for handling mail received from the United States Patent and Trademark Office. To this end, submitted herewith are declarations from:

(1) Mr. LaCarro Boston (Office Services Manager for Sidley & Austin, Dallas office) (**Exhibit E**),

(2) Ms. Leslie Reames, (former U.S. Docketing Coordinator for Sidley & Austin, Dallas office) (**Exhibit F**), and

(c) Ms. Tifarah White (U.S. Docketing Coordinator for Sidley & Austin, Dallas office) (**Exhibit G**)

that detail a procedure Sidley & Austin personnel follow for receiving and processing mail and for recording United States Patent and Trademark communications in Sidley & Austin's computerized docketing system.

In view of Sidley & Austin's strict procedure for receiving, processing, and docketing communications from the United States Patent and Trademark Office, a noted absence of the NOTICE TO FILE in the file jacket (and any docketing of the NOTICE TO FILE) prior to July 15, 1999, and no recollection by docketing personnel of receiving the NOTICE TO FILE or of events that would have resulted in a deviation of Sidley & Austin's procedure, it

Application Serial No. 09/160,267

is respectfully submitted that the NOTICE TO FILE was not actually received by Sidley & Austin. Without any timely knowledge of the NOTICE TO FILE, any abandonment of the above-identified patent application was unavoidable. Consequently, in the event it is necessary to consider this Petition, applicants respectfully request grant of this Petition to revive this unavoidably abandoned patent application.

This Petition has been promptly prepared and filed following applicants' becoming aware of the holding of abandonment of this patent application.

Respectfully submitted,

By: James W. Williams  
James W. Williams  
Registration No. 20,047  
Attorney for Applicants

JWW/tje

SIDLEY & AUSTIN  
717 North Harwood  
Dallas, TX 75201  
Direct: (214) 981-3328  
Fax: (214) 981-3400  
July 29, 1999


**UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office**

 Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO./TITLE
09/160,267	09/24/98	TOYAMA	M 05058/76501

 SIDLEY & AUSTIN  
717 N HARWOOD  
SUITE 3400  
DALLAS TX 75201-6507

0212/0715

RECEIVED - DOCKETING

NOT ASSIGNED

JUL 22 1999

0000

SIDLEY &amp; AUSTIN

DATE MAILED:

07/15/99

**NOTICE OF ABANDONMENT UNDER 37 CFR 1.53(f) or (g)  
(Filing Date Granted)**

 The above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on 10-10-98.

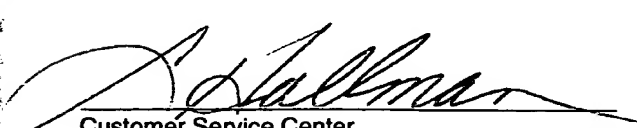
- ☒ No reply was received.
- ☐ The reply received on \_\_\_\_\_ was untimely.
- ☐ The reply received on \_\_\_\_\_ was improper. The reply did not include:
- ☐ 1. The surcharge under 37 CFR 1.16(e) required for filing the basic filing fee or oath or declaration on a date later than the filing date of a nonprovisional application.
  - ☐ 2. The surcharge under 37 CFR 1.16(i) required for filing the basic filing fee or cover sheet on a date later than the filing date of a provisional application.
  - ☐ 3. The full amount of the basic filing fee under 37 CFR 1.16 (a), (f), (g), (k).  
(Note: A nonprovisional application may not be relied on for benefits under 35 U.S.C. 120 and 37 CFR 1.78 unless the processing and retention fee set forth in 37 CFR 1.21(l) is paid within the one year period set forth in 37 CFR 1.53(f). A provisional application may not be relied on for benefits under 35 U.S.C. 119(e) and 37 CFR 1.78 unless the basic filing fee is paid).
  - ☐ 4. The oath or declaration of all the inventors required under 37 CFR 1.63 for this nonprovisional application.
- ☐ The letter of Express Abandonment filed on \_\_\_\_\_ is acknowledged.

A petition to the Commissioner under 37 CFR 1.137 may be filed requesting that the application be revived.

 Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of **UNAVOIDABLE DELAY** must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(c).

 Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of **UNINTENTIONAL DELAY** must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(c).

Any questions concerning petitions to revive should be directed to "Office of Petitions" at (703) 305-9282.

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**AUG 03 1999**
**SPECIAL PROGRAMS OFFICE  
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Customer Service Center  
Initial Patent Examination Division (703) 308-1202

**PART 2-COPY TO BE RETURNED WITH RESPONSE**



OPER TFW ENTERED 9/21/98 MODIFIED 7/22/99 ATTORNEYS 711 / ^ / ^ PRINTED ON: 7/28/99

SIDLEY# 05058/76501 CNTRY US UNITED STATES NEW/CON NEW RELATED

PATS# P03229USO TYPE UTL SERIAL# 09/160,267 PATENT# STAT ABANDONED

TITLE AN IMAGE FORMING APPARATUS HAVING A DISPLAY CHANGEABLE IN COLOR ACCORDING TO OPERATIONAL MODE OLD#

CLIENT 05058 MINOLTA CO., LTD 1 CREF SE No OLDID

AGENT US01 AOYAMA & PARTNERS AREF 528061/EI CLAIMS DLVR PPLAP

PRIOR MAIL 9/24/98 FILE 9/24/98 PUBL ISSUE ABN 7/15/99 1ST 9/24/98

ID	O	ACTION	BASE	DUE IN	DUE	EXTNS	FINAL	EXT	RESPONSE	CALL	1	2	P
	N	STAT. CK. FOR FILING	11/18/98	0M	11/18/98		11/18/98	0	9/24/98	0M	Y	Y	Y
PC	N	POST CARD CHECK	9/24/98	2M	11/24/98		11/24/98	0	5/7/99	0M	Y	Y	Y
DS	N	INF DISCLOSURE STMT	9/24/98	3M	12/24/98	0	12/24/98	0	4/5/99	2M	Y	Y	Y
NO PRIOR ART PER CLIENT ON 4/1/99													
FS	N	FILG RCPT STATUS CHK	9/24/98	3M	12/24/98		12/24/98	0	5/7/99	0M	Y	Y	Y
	Y	MISSING PARTS	5/28/99						5/28/99				
CF	Y	CORRECT OF FLG RCPT	5/28/99						5/28/99				
AS	Y	ASSIGNMENT	5/28/99						5/28/99				
	Y	NOT OF ABAND RECV'D	7/22/99										
SC	N	STATUS CHECK	9/24/98	18M	3/24/00	0	3/24/00	0		0M	Y	Y	Y

#### INVENTORS

MASAMI TOYAMA

MOTOMI TAKEMOTO

AKINORI YOSHIDA

HIROAKI IKEDA

TOMOKAZU KATO

JUNKO NATSUME

#### ASSIGNEES

~

EXHIBIT

A

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED  
AUG 03 1999  
SPECIAL PROGRAMS OFFICE  
PAC FOR PATENTS

In re

U.S. application of:

Masami TOYAMA, Motomi TAKEMOTO,  
Akinori YOSHIDA, Hiroaki IKEDA,  
Tomokazu KATO, and Junko NATSUME

For:

AN IMAGE FORMING APPARATUS  
HAVING A DISPLAY CHANGEABLE IN  
COLOR ACCORDING TO OPERATIONAL  
MODE

U.S. Serial No.:

09/160,267

Filed:

September 24, 1998

Group Art Unit:

2852

Examiner:

Assistant Commissioner for  
Patents  
Washington, D.C. 20231

Attn: Box Missing Parts

Dear Sir:

"Express Mail" mailing label

number EL237999356US

Date of Deposit May 28, 1999

I hereby certify that this paper or fee is  
being deposited with the United States Postal  
Service "Express Mail Post Office to  
Addressee" service under 37 CFR 1.10 on the  
date indicated above and is addressed to the  
Assistant Commissioner for Patents,  
Washington, D.C. 20231.

Delphine Newell  
(Typed or printed name of person mailing  
paper or fee)

Delphine Newell  
(Signature of person mailing paper or fee)

May 28, 1999

Date of Signature

COMPLETION OF APPLICATION

EXHIBIT

B

The declaration filed on September 24, 1998 with the  
above-identified U.S. patent application was unexecuted.

Applicants have not received any Notification Form  
PTO-1533.

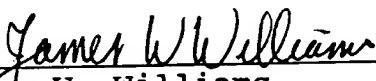
EL237999356US

Applicants submit herewith the declaration executed by the Applicants on October 28, October 15, October 14 and October 14, 1998, respectively.

The executed declaration identifies the specification by title, filing date, and attorney docket number.

Applicants also submit herewith a check in the amount of \$130.00 for the 37 C.F.R. 1.16(e) surcharge for the late filing of an executed declaration. If the check is not present, not sufficient, or not acceptable, please charge any fees required during the pendency of this application (other than issue fee) to Deposit Account #18-1260. Please credit any overpayment to Deposit Account #18-1260.

Respectfully submitted,

  
James W. Williams  
Registration No. 20,047  
Attorney for Applicants

JWW/11b

SIDLEY & AUSTIN  
717 North Harwood  
Suite 3400  
Dallas, Texas 75201-6507  
(214) 981-3328 (direct)  
(214) 981-3300 (main)  
May 28, 1999

**DECLARATION AND POWER OF ATTORNEY**

As a below-named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name;

I believe that I and the other joint inventors named below are the original, first and joint inventors of the subject matter which is claimed and for which a patent is sought on the invention or discovery entitled

AN IMAGE FORMING APPARATUS HAVING A DISPLAY  
CHANGEABLE IN COLOR ACCORDING TO OPERATIONAL MODE

the specification of which was filed on Sep. 24, 1998  
as Application Ser. No. \_\_\_\_\_.

I have reviewed and understand the contents of the above-identified specification, including the claims; and

I acknowledge the duty to disclose to the Patent and Trademark Office all information known to me which is material to patentability as defined in 37 C.F.R. § 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. § 119/365 of any foreign application for patent or inventor's certificate as listed below or of any PCT international application, designating at least one country other than the United States of America, as listed below and have also identified below any foreign application for patent or inventor's certificate or any PCT international application, designating at least one country other than the

United States of America, directed to said invention or discovery and having a filing date before that of the applications on which priority is claimed:

<u>NUMBER</u>	<u>COUNTRY</u>	<u>DATE FILED</u>	<u>PRIORITY CLAIMED</u>	
			(Yes)	(No)
9-261582	Japan	26/09/1997	X	
9-283625	Japan	16/10/1997	X	
9-283627	Japan	16/10/1997	X	

I hereby appoint:

Dale B. Nixon, Reg. No. 28,454  
 William R. Gustavson, Reg. No. 29,160  
 David L. Hitchcock, Reg. No. 30,067  
 Roger N. Chauza, Reg. No. 29,753  
 Eugenia S. Hansen, Reg. No. 31,966  
 James W. Williams, Reg. No. 20,047  
 Steven P. Rhines, Reg. No. 38,595  
 Thomas N. Tarnay, Reg. No. 41,341  
 Daren C. Davis, Reg. No. 38,425

all of the firm of SIDLEY & AUSTIN, my representatives with full power of substitution and revocation, to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith, and to file and prosecute any international patent applications filed thereon before any international authorities under the Patent Cooperation Treaty.

Send correspondence to:  
 SIDLEY & AUSTIN  
 717 N. Harwood  
 Suite 3400  
 Dallas, Texas 75201-6507

Direct telephone calls to:  
James W. Williams  
 Direct: (214) 981-3328  
 Main: (214) 981-3300  
 Attorney Docket No.:

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Full name of first joint inventor:

Masami		TOYAMA
First	Middle	Last

Inventor's signature: Masami Toyama

Date: Oct. 28, 1998

Residence: Toyokawa-Shi, Aichi-Ken, Japan

Citizenship: Japan

Post Office Address: 1-49-2, Chubu-Cho, Toyokawa-Shi,  
Aichi-Ken, 442-0876, Japan

Full name of second joint inventor:

Motomi		TAKEMOTO
First	Middle	Last

Inventor's signature: Motomi Takemoto

Date: Oct. 15, 1998

Residence: Toyokawa-Shi, Aichi-Ken, Japan

Citizenship: Japan

Post Office Address: c/o Minolta Co., Ltd., Osaka Kokusai  
Building, 3-13, 2-Chome, Azuchi-Machi, Chuo-Ku,  
Osaka-Shi, Osaka, 541-8556, Japan

Full name of third joint inventor:

Akinori		YOSHIDA
First	Middle	Last

Inventor's signature: Akinori Yoshida

Date: Oct. 14, 1998

Residence: Nishio-Shi, Aichi-Ken, Japan

Citizenship: Japan

Post Office Address: c/o Minolta Co., Ltd., Osaka Kokusai  
Building, 3-13, 2-Chome, Azuchi-Machi, Chuo-Ku,  
Osaka-Shi, Osaka, 541-8556, Japan

Full name of fourth joint inventor:

Hiroaki		IKEDA
First	Middle	Last

Inventor's signature: Hiroaki Ikeda

Date: Oct. 14, 1998

Residence: Toyokawa-Shi, Aichi-Ken, Japan

Citizenship: Japan

Post Office Address: c/o Minolta Co., Ltd., Osaka Kokusai  
Building, 3-13, 2-Chome, Azuchi-Machi, Chuo-Ku,  
Osaka-Shi, Osaka, 541-8556, Japan

Full name of fifth joint inventor:

<u>Tomokazu</u>	<u>KATO</u>
First	Last

Inventor's signature: Tomokazu Kato

Date: Oct. 14, 1998

Residence: Toyokawa-Shi, Aichi-Ken, Japan

Citizenship: Japan

Post Office Address: c/o Minolta Co., Ltd., Osaka Kokusai  
Building, 3-13, 2-Chome, Azuchi-Machi, Chuo-Ku,  
Osaka-Shi, Osaka, 541-8556, Japan

Full name of sixth joint inventor:

<u>Junko</u>	<u>NATSUME</u>
First	Last

Inventor's signature: Junko Natsume

Date: Oct. 14, 1998

Residence: Hoi-Gun, Aichi-Ken, Japan

Citizenship: Japan

Post Office Address: c/o Minolta Co., Ltd., Osaka Kokusai  
Building, 3-13, 2-Chome, Azuchi-Machi, Chuo-Ku,  
Osaka-Shi, Osaka, 541-8556, Japan



Check 175540

VOUCHER	INVOICE	DATE	DESCRIPTION	GROSS	DISC	NET AMOUNT
833689	052899B	05/28/99	FILING FEE 05058/76501	130.00	0.00	130.00
00123072 COMMISSIONER OF PATENTS & TRAD				130.00	0.00	130.00

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UNITED STATES POSTAL SERVICE™



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Label 11-F July 1997



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ON INSURANCE COVERAGE

<b>ORIGIN (POSTAL USE ONLY)</b>		<b>Day of Delivery</b>		<b>Flat Rate Envelope</b>	
PO ZIP Code: 75201		<input checked="" type="checkbox"/> First <input type="checkbox"/> Second		<input type="checkbox"/>	
Date in: 5/28/99		<input checked="" type="checkbox"/> 12 Noon <input type="checkbox"/> 3 PM		Postage: \$11.75	
Time in: 10:34 PM		<input type="checkbox"/> 1st Day <input type="checkbox"/> 3rd Day		Return Receipt Fee:	
Weight: 3.02 lbs.		Int'l Alpha Country Code:		COD Fee:	
<input type="checkbox"/> No Delivery <input type="checkbox"/> Weekend <input type="checkbox"/> Holiday		Acceptance Clerk Initials: [Signature]		Insurance Fee:	
Total Postage & Fees: \$11.75					

**CUSTOMER USE ONLY**

**METHOD OF PAYMENT:** X 752935 (75651)

Express Mail Corporate Acct. No.:

Postnet Agency Acct. No. or Postnet Service Acct. No.:

☐ **WAIVER OF SIGNATURE (Domestic Only):** Additional merchandise insurance is void if waiver of signature is requested. I wish delivery to be made without obtaining signature of addressee or addressee's agent (if delivery employee judges that article can be left in secure location) and I authorize that delivery employee's signature constitutes valid proof of delivery.

☐ **NO DELIVERY** ☐ **Weekend** ☐ **Holiday** ☐ **Customer Signature**

<b>FROM: (PLEASE PRINT)</b>		<b>TO: (PLEASE PRINT)</b>	
SIDLEY & AUSTIN 717 N HARWOOD ST STE 3400 DALLAS TX 75201-6538		Assistant Commissioner for Patents Washington, D.C. 20231	
JWM/57300 (Lorie B 75651) 05058/76501		Box: Missing Parts	

**PRESS HARD.** You are making 3 copies.



FOR PICKUP OR TRACKING CALL 1-800-222-1811 WWW.usps.gov

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F0  
T

**RECEIVED**

JUN 07 1999

SIDLEY & AUSTIN

**EXHIBIT**

YAMATA

C

Attorney: JWW  
PAPER(S):  
[x] COMPLETION OF APPLICATION  
(via express mail)

\$130.00

Inventor(s): Masami TOYAMA et al  
Serial No.: 09/160,267  
Client: 05058 File: 76501  
Due: Mailed: 05/28/99



Title: An Image Forming Apparatus having a Display  
Changeable in Color according to Operational Mode

The stamp of the Patent and Trademark Office hereon  
indicates receipt of the above-identified document.

Attorney Docket No.: 05058/76501

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re

U.S. Application of: Masami TOYAMA, Motomi TAKEMOTO, Akinori  
YOSHIDA, Hiroaki IKEDA, Tomokazu KATO,  
and Junko NATSUME  
For: AN IMAGE FORMING APPARATUS HAVING A  
DISPLAY CHANGEABLE IN COLOR ACCORDING  
TO OPERATIONAL MODE  
U.S. Serial No.: 09/160,267  
Filed: September 24, 1998  
Group Art Unit: Initial Patent Examination Division

Attention: Office of Petitions  
Assistant Commissioner  
for Patents  
Box DAC  
Washington, D.C. 20231

"Express Mail" mailing label number: EL072253485US

Date of Deposit: July 30, 1999

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the dated indicated above and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

Derrick T. Gordon

(Typed or printed name of person mailing paper or fee)

*Derrick T. Gordon*  
(Signature of person mailing paper or fee)

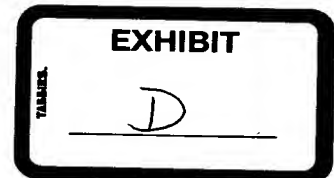
July 30, 1999

Date of Signature

DECLARATION OF LORIE BIGLEY

I, Lorie Bigley, declare as follows:

1. I am a resident of the state of Texas and am over 18 years of age and fully competent to make this declaration, and if called as a witness, could testify to the following facts, which are based upon my personal knowledge, information, and belief.



Application Serial No. 09/160,267

2. I am employed as a patent prosecution legal assistant with Sidley & Austin, located at 717 N. Harwood, Dallas, Texas 75201. As a part of my employment with Sidley & Austin, I am responsible for monitoring the status of certain pending United States patent applications, including the above-identified United States patent application.

3. The above-identified patent application was filed on September 24, 1998, with an unexecuted Declaration by the inventors.

4. Form PTO-1533, which is the normal response by the United States Patent and Trademark Office to the filing of a patent application with an unexecuted Declaration, indicates that a copy of the Notice must be returned with the executed Declaration of the inventors. Accordingly, I waited for the Form PTO-1533 to be issued before forwarding the executed Declaration by the inventors to the Patent and Trademark.

5. However, as a Form PTO-1533 had not been received by May 28, 1999, James W. Williams, one of the attorneys of record in the above-identified patent application, directed that a document entitled "COMPLETION OF APPLICATION", with the executed Declaration of the inventors and a check in the amount of \$130 for the 37 C.F.R. 1.16(e) surcharge being attached thereto, be mailed on May 28, 1999, by Express Mail Post Office to Addressee to the Assistant Commissioner for Patents, Box Missing Parts, Washington, DC 20231.

6. Applicants received a Notice of Abandonment Under 37 CFR 1.53(f) or (g) (Filing Date Granted), dated July 15, 1999, indicating that applicants failed to respond to a United States Patent and Trademark Office communication dated October 16, 1998,

Application Serial No. 09/160,267

and entitled "Notice to File Missing Parts" (hereinafter the "NOTICE TO FILE").

7. Upon my receipt of the Notice of Abandonment, I promptly called this matter to the attention of James W. Williams. Mr. Williams promptly requested Jane Edwards of Montrose Intellectual Property Services, Inc., Arlington, Virginia, to obtain a copy of the United States Patent and Trademark Office communication referenced in the Notice of Abandonment.

8. On July 28, 1999, Jane Edwards provided a copy, via overnight delivery, of the NOTICE TO FILE, indicating a mailing date of October 16, 1998. The July 28, 1999, copy of the NOTICE TO FILE was the first occasion of receipt by Sidley & Austin of any written version of this NOTICE TO FILE.

9. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of this application and any patent issuing thereon.

By: Lorie Bigley  
Lorie Bigley

Dated: 72995

Attorney Docket No.: 05058/76501

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re

U.S. Application of: Masami TOYAMA, Motomi TAKEMOTO, Akinori  
YOSHIDA, Hiroaki IKEDA, Tomokazu KATO,  
and Junko NATSUME  
For: AN IMAGE FORMING APPARATUS HAVING A  
DISPLAY CHANGEABLE IN COLOR ACCORDING  
TO OPERATIONAL MODE  
U.S. Serial No.: 09/160,267  
Filed: September 24, 1998  
Group Art Unit: Initial Patent Examination Division

Attention: Office of Petitions  
Assistant Commissioner  
for Patents  
Box DAC  
Washington, D.C. 20231

"Express Mail" mailing label number: EL072253485US

Date of Deposit: July 30, 1999

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

Derrick T. Gordon

(Typed or printed name of person mailing paper or fee)

*Derrick T. Gordon*  
(Signature of person mailing paper or fee)

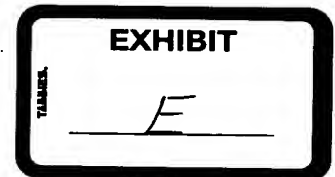
July 30, 1999

Date of Signature

DECLARATION OF LACARRO BOSTON

I, LaCarro Boston, declare as follows:

1. I am a resident of the state of Texas and am over 18 years of age and fully competent to make this declaration, and if called as a witness, could testify to the following facts, which are based upon my personal knowledge, information, and belief.



2. I am employed as Office Services Manager with Sidley & Austin, located at 717 N. Harwood, Dallas, Texas 75201. I supervise and manage Office Services in the Dallas office of Sidley & Austin. As a part of their duties, the personnel of Office Services in the Dallas office of Sidley & Austin are responsible for picking up, sorting, and delivering all incoming mail to the respective individuals and departments within the Dallas office.

3. In performance of these duties:

a. A member of Office Services picks up incoming mail for Sidley & Austin at 7:30 a.m. and 10:00 a.m. each business day from a central mail room operated by the United States Post Office in the building in which Sidley & Austin maintains its Dallas office.

b. A member of Office Services sorts all incoming Sidley & Austin mail according to whether it is (i) from the United States Patent and Trademark Office or (ii) from someone other than the United States Patent and Trademark Office. All mail received from the United States Patent and Trademark Office is left unopened by Office Services.

c. A member of Office Services delivers all unopened mail, received from the United States Patent and Trademark Office, to the U.S. Docketing Coordinator in the docketing department in the Dallas office of Sidley & Austin on the same day that it is picked up at the central mail room.

4. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false



Application Serial No. 09/160,267

statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of this application and any patent issuing thereon.

By: LaCarro Boston  
LaCarro Boston

Dated: 7/29/99

Attorney Docket No. 05058/76501

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re  
U.S. application of: Masami TOYAMA, Motomi TAKEMOTO, Akinori  
YOSHIDA, Hiroaki IKEDA, Tomokazu KATO,  
and Junko NATSUME  
For: AN IMAGE FORMING APPARATUS HAVING A  
DISPLAY CHANGEABLE IN COLOR ACCORDING  
TO OPERATIONAL MODE  
U.S. Serial No.: 09/160,267  
Filed: September 24, 1998  
Group Art Unit: Initial Patent Examination  
Division

Attention: Office of Petitions  
Assistant Commissioner  
for Patents  
Box DAC  
Washington, D.C. 20231

"Express Mail" mailing label number: EL072253485US

Date of Deposit: July 30, 1999

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Derrick T. Gordon

(Typed or printed name of person mailing paper or fee)

*Derrick T. Gordon*  
(Signature of person mailing paper or fee)

July 30, 1999

Date of Signature

DECLARATION OF LESLIE REAMES

I, Leslie Reames, declare as follows:

1. I am a resident of the state of Texas and am over 18

EXHIBIT

F

Application Serial No. 09/160,267

years of age and fully competent to make this declaration, and if called as a witness could testify to the following facts, which are based upon my personal knowledge, information, and belief.

2. I was employed by Sidley & Austin, located at 717 N. Harwood, Dallas, Texas 75201, from July 10, 1995, until my resignation on November 30, 1998. I served as United States Docketing Coordinator in the Dallas office of Sidley & Austin from September 1, 1996, through November 30, 1998.

3. From November 9, 1998, through November 30, 1998, I shared, with Ms. Tifarah White, my responsibilities for docketing incoming mail from the United States Patent and Trademark Office (hereinafter referred to as "USPTO Communications").

4. From at least September 1, 1996, until my resignation on November 30, 1998, I followed the following procedure in docketing USPTO Communications:

a. All USPTO Communications were delivered unopened to the docketing office by personnel of Office Services in the Dallas office of Sidley & Austin. I opened USPTO Communications on the day of receipt from Office Services and manually stamped each USPTO Communication I opened to reflect the exact day of its receipt from Office Services.

b. After reviewing each USPTO Communication, I entered its docketing information (e.g., nature of the communication, date of required response, etc.) into the Sidley and Austin computerized docketing system. Entry was made in accordance with the appropriate serial number and

Application Serial No. 09/160,267

attorney docket number indicated on the respective USPTO Communication. While most USPTO Communications were typically docketed on the day of receipt from Office Services, all USPTO Communications were docketed within one week of their delivery by Office Services.

c. Following my docketing of one or more USPTO Communications, I printed an updated docket sheet from Sidley & Austin's computerized docketing system for each affected file. I then united a USPTO Communication and its corresponding updated docket sheet with the appropriate file and delivered these items to the responsible attorney (or the responsible attorney's legal assistant). If the file could not be readily located, I delivered the USPTO Communication and its corresponding updated docket sheet to the responsible attorney (or the responsible attorney's legal assistant).

5. I have no recollection of having received a Notice to File Missing Parts, indicating a mailing date of October 16, 1998, in the above-identified patent application. I further have no recollection of any deviation from the procedure set forth in Paragraph 4 that would have potentially resulted in any USPTO Communication not being entered in Sidley & Austin's computerized docketing system and filed in the appropriate Sidley & Austin prosecution file.

6. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or

Application Serial No. 09/160,267

imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of this application and any patent issuing thereon.

By: Leslie G. Reames  
Leslie Reames

Dated: 7-28-99

Attorney Docket No.: 05058/76501

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re

U.S. application of: Masami TOYAMA, Motomi TAKEMOTO, Akinori  
YOSHIDA, Hiroaki IKEDA, Tomokazu KATO,  
and Junko NATSUME

For: AN IMAGE FORMING APPARATUS HAVING A  
DISPLAY CHANGEABLE IN COLOR ACCORDING  
TO OPERATIONAL MODE

U.S. Serial No.: 09/160,267

Filed: September 24, 1998

Group Art Unit: Initial Patent Examination Division

Attention: Office of Petitions  
Assistant Commissioner  
for Patents

Box DAC

Washington, D.C. 20231

"Express Mail" mailing label number: EL072253485US

Date of Deposit: July 30, 1999

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the dated indicated above and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

Derrick T. Gordon

(Typed or printed name of person mailing paper or fee)

*Derrick T. Gordon*  
(Signature of person mailing paper or fee)

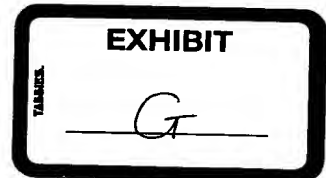
July 30, 1999

Date of Signature

DECLARATION OF TIFARAH WHITE

I, Tifarah White, declare as follows:

1. I am a resident of the state of Texas and am over 18 years of age and fully competent to make this declaration, and if called as a witness, could testify to the following facts, which are based upon my personal knowledge, information, and belief.



Application Serial No. 09/160,267

2. I am currently employed by Sidley & Austin, located at 717 N. Harwood, Dallas, Texas 75201. I began my employment with Sidley & Austin on November 2, 1998, as a United States Docketing Clerk and began docketing activities on November 9, 1998. Since December 1, 1998, I have served as United States Docketing Coordinator in the Dallas office of Sidley & Austin.

3. From November 9, 1998, to November 30, 1998, I shared my responsibilities for docketing incoming mail from the United States Patent and Trademark Office (hereinafter "USPTO Communications") with Ms. Leslie Reames. Since December 1, 1998, I, alone, have docketed all USPTO Communications received by the Dallas office of Sidley & Austin.

4. Since November 9, 1998, I have followed the following procedure in docketing USPTO Communications:

a. All USPTO Communications are delivered unopened to my office by Office Services personnel in the Dallas office of Sidley & Austin. I open USPTO Communications on the day of receipt from Office Services personnel and manually stamp each USPTO Communication to reflect the exact day of its receipt from Office Services.

b. After reviewing each USPTO Communication, I enter its docketing information (e.g., nature of the communication, date of required response, etc.) into Sidley & Austin's computerized docketing system. Entry is made in accordance with the appropriate serial number and attorney docket number indicated on each USPTO Communication. While most USPTO Communications are typically docketed on the day of receipt, all USPTO Communications are docketed within one week of delivery by Office Services.

Application Serial No. 09/160,267

c. Following my docketing of one or more USPTO Communications, I print an updated docket sheet from the firm's computerized docketing system for each affected file. I then unite a USPTO Communication and its corresponding updated docket sheet with the appropriate file and deliver these items to the responsible attorney (or the responsible attorney's legal assistant). If the file cannot be readily located, I deliver a USPTO Communication and its corresponding updated docket sheet to the responsible attorney (or the responsible attorney's legal assistant).

5. The computer generated docketing sheet attached hereto is a copy of the current docket sheet for the above-identified patent application and does not include any docketing for a Notice to File Missing Parts of Application prior to July 15, 1999. The MISSING PARTS with a date of 5/28/99 is the docketing item for the filing on May 28, 1999, of the Completion of Application, which included the executed Declaration by the inventors and a check for the surcharge.

6. The Notice to File Missing Parts of Application (Filing Date Granted) for United States Patent Application Ser. No. 09/160,267, indicating a mailing date of October 16, 1998 (a copy of which is attached hereto), was not docketed in the firm's computerized docketing system until after I had received a copy of this Office Action from Mr. James W. Williams, a Sidley & Austin attorney, subsequent to Sidley & Austin receiving a Notice of Abandonment, mailed July 15, 1999.

7. I have no recollection of having received the Notice to File Missing Parts of Application (Filing Date Granted), as described in Paragraph 6, prior to my receiving a copy from Mr. Williams in accord with the events described in Paragraph 6. I



Application Serial No. 09/160,267

further have no recollection of any deviation from the procedure set forth in Paragraph 4 that would have potentially resulted in this Notice to File Missing Parts of Application (Filing Date Granted) not being docketed and/or filed in the appropriate Sidley & Austin prosecution file.

8. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of this application and any patent issuing thereon.

By: Tifarah White  
Tifarah White

Dated: July 29, 1999

OPER  ENTERED  MODIFIED  ATTORNEYS  /  /   
 PRINTED ON:   
 SIDLEY#  CNTRY  UNITED STATES NEW/CON  RELATED   
 PATS#  TYPE  SERIAL#  PATENT#  STAT   
 TITLE  OLD#   
 CLIENT    CREF  SE  OLDDID   
 AGENT   AREF  CLAIMS  DLVR   
 PRIOR  MAIL  FILE  PUBL  ISSUE  ABN  1ST

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<input type="checkbox"/>	N	STAT. CK. FOR FILING	11/18/98	0 M	11/18/98	<input type="checkbox"/>	11/18/98	0	9/24/98	0 M	Y	Y	Y
PC	N	POST CARD CHECK	9/24/98	2 M	11/24/98	<input type="checkbox"/>	11/24/98	0	5/7/99	0 M	Y	Y	Y
DS	N	INF DISCLOSURE STMT	9/24/98	3 M	12/24/98	0	12/24/98	0	4/5/99	2 M	Y	Y	Y
NO PRIOR ART PER CLIENT ON 4/1/99													
FS	N	FILG RCPT STATUS CHK	9/24/98	3 M	12/24/98	<input type="checkbox"/>	12/24/98	0	5/7/99	0 M	Y	Y	Y
<input type="checkbox"/>	Y	MISSING PARTS	5/28/99	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	5/28/99	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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AS	Y	ASSIGNMENT	5/28/99	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	5/28/99	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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SC	N	STATUS CHECK	9/24/98	18 M	3/24/00	0	3/24/00	0	<input type="checkbox"/>	0 M	Y	Y	Y

#### INVENTORS

MASAMI TOYAMA

MOTOMI TAKEMOTO

AKINORI YOSHIDA

HIROAKI IKEDA

TOMOKAZU KATO

JUNKO NATSUME

#### ASSIGNEES



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NUMBER 07/17/98	FILING DATE 09/24/98	FIRST NAMED APPLICANT SIDLEY & AUSTIN	ATTORNEY DOCKET NO./TITLE M 05058/76501
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SIDLEY & AUSTIN  
717 N HARWOOD  
SUITE 3400  
DALLAS TX 75201-6507

NOT ASSIGNED

DATE MAILED:

10/16/98

**NOTICE TO FILE MISSING PARTS OF APPLICATION**  
**Filing Date Granted**

An Application Number and Filing Date have been assigned to this application. The items indicated below, however, are missing. Applicant is given **TWO MONTHS FROM THE DATE OF THIS NOTICE** within which to file all required items and pay fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). If any of items 1 or 3 through 5 are indicated as missing, the **SURCHARGE** set forth in 37 CFR 1.16(e) of ☐ \$65.00 for a small entity in compliance with 37 CFR 1.27, or ☐ \$130.00 for a non-small entity, must also be timely submitted in reply to this NOTICE to avoid abandonment.

If all required items on this form are filed within the period set above, the total amount owed by applicant as a ☐ small entity (statement filed) ☐ non-small entity is \$ 130.00

- ☐ 1. The statutory basic filing fee is:  
☐ missing.  
☐ insufficient.  
Applicant must submit \$ \_\_\_\_\_ to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).
- ☐ 2. Additional claim fees of \$ \_\_\_\_\_, including any multiple dependent claim fees, are required.  
\$ \_\_\_\_\_ for \_\_\_\_\_ independent claims over 3.  
\$ \_\_\_\_\_ for \_\_\_\_\_ dependent claims over 20.  
\$ \_\_\_\_\_ for multiple dependent claim surcharge.  
Applicant must either submit the additional claim fees or cancel additional claims for which fees are due.
- ☒ 3. The oath or declaration:  
☒ is missing or unexecuted.  
☐ does not cover the newly submitted items.  
☐ does not identify the application to which it applies.  
☐ does not include the city and state or foreign country of applicant's residence.  
An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date is required.

- ☐ 4. The signature(s) to the oath or declaration is/are by a person other than inventor or person qualified under 37 CFR 1.42, 1.43 or 1.47.  
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- ☐ 5. The signature of the following joint inventor(s) is missing from the oath or declaration:

An oath or declaration in compliance with 37 CFR 1.63 listing the names of all inventors and signed by the omitted inventor(s), identifying this application by the above Application Number and Filing Date, is required.

- ☐ 6. A \$50.00 processing fee is required since your check was returned without payment (37 CFR 1.21(m)).
- ☐ 7. Your filing receipt was mailed in error because your check was returned without payment.
- ☐ 8. The application does not comply with the Sequence Rules.  
See attached "Notice to Comply with Sequence Rules 37 CFR 1.821-1.825.1.1."
- ☐ 9. OTHER:

Direct the reply and any questions about this notice to "Attention: Box Missing Parts."

**A copy of this notice MUST be returned with the reply.**

Customer Service Center  
Initial Patent Examination Division (703) 308-1202

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